

**ASSEMBLY BILL**

**No. 1280**

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**Introduced by Assembly Members Adams and Ma**  
**(Coauthor: Assembly Member Solorio)**  
(Coauthor: Senator Cedillo)

February 27, 2009

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An act to amend Section 42463 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1280, as introduced, Adams. Electronic waste recycling.

Existing law, the Electronic Waste Recycling Act of 2003, requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. Under existing law, the fees are deposited in the Electronic Waste Recovery and Recycling Account, and the California Integrated Waste Management Board and the Department of Toxic Substances Control are continuously appropriated the money in the account to make electronic waste recovery payments to cover the net cost of an authorized collector in operating a free and convenient system for collecting, consolidating, and transporting covered electronic wastes, and to make electronic waste recycling payments to cover an electronic waste recycler's average net cost of receiving, processing, and recycling covered electronic waste.

Existing law defines the term "covered electronic device" as a video display device containing a screen greater than four inches, measured diagonally, that is identified in the regulations adopted by the Department of Toxic Substances Control. Existing law provides that

the definition of a “covered electronic device” does not include a video display device contained in certain appliances.

This bill would expand the list of appliances that are not defined as a “covered electronic device” to include a freezer, induction cooktop or range, beverage maker, and food steamer.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42463 of the Public Resources Code is  
2 amended to read:

3 42463. For the purposes of this chapter, the following terms  
4 have the following meanings, unless the context clearly requires  
5 otherwise:

6 (a) “Account” means the Electronic Waste Recovery and  
7 Recycling Account created in the Integrated Waste Management  
8 Fund under Section 42476.

9 (b) “Authorized collector” means any of the following:

10 (1) A city, county, or district that collects covered electronic  
11 devices.

12 (2) A person or entity that is required or authorized by a city,  
13 county, or district to collect covered electronic devices pursuant  
14 to the terms of a contract, license, permit, or other written  
15 authorization.

16 (3) A nonprofit organization that collects or accepts covered  
17 electronic devices.

18 (4) A manufacturer or agent of the manufacturer that collects,  
19 consolidates, and transports covered electronic devices for  
20 recycling from consumers, businesses, institutions, and other  
21 generators.

22 (5) An entity that collects, handles, consolidates, and transports  
23 covered electronic devices and has filed applicable notifications  
24 with the department pursuant to Chapter 23 (commencing with  
25 Section 66273.1) of Division 4.5 of Title 22 of the California Code  
26 of Regulations.

27 (c) “Board” means the California Integrated Waste Management  
28 Board.

29 (d) “Consumer” means a person who purchases a new or  
30 refurbished covered electronic device in a transaction that is a

1 retail sale or in a transaction to which a use tax applies pursuant  
2 to Part 1 (commencing with Section 6001) of Division 2 of the  
3 Revenue and Taxation Code.

4 (e) "Department" means the Department of Toxic Substances  
5 Control.

6 (f) (1) Except as provided in paragraph (2), "covered electronic  
7 device" means a video display device containing a screen greater  
8 than four inches, measured diagonally, that is identified in the  
9 regulations adopted by the department pursuant to subdivision (b)  
10 of Section 25214.10.1 of the Health and Safety Code.

11 (2) "Covered electronic device" does not include any of the  
12 following:

13 (A) A video display device that is a part of a motor vehicle, as  
14 defined in Section 415 of the Vehicle Code, or any component  
15 part of a motor vehicle assembled by, or for, a vehicle manufacturer  
16 or franchised dealer, including replacement parts for use in a motor  
17 vehicle.

18 (B) A video display device that is contained within, or a part of  
19 a piece of industrial, commercial, or medical equipment, including  
20 monitoring or control equipment.

21 (C) A video display device that is contained within a clothes  
22 washer, clothes dryer, refrigerator, *freezer*, refrigerator and freezer,  
23 microwave oven, conventional oven or range, *induction cooktop*  
24 *or range*, *beverage maker*, *food steamer*, dishwasher, room  
25 air-conditioner, dehumidifier, or air purifier.

26 (D) An electronic device, on and after the date that it ceases to  
27 be a covered electronic device under subdivision (e) of Section  
28 25214.10.1 of the Health and Safety Code.

29 (g) "Covered electronic waste" or "covered e-waste" means a  
30 covered electronic device that is discarded.

31 (h) "Covered electronic waste recycling fee" or "covered e-waste  
32 recycling fee" means the fee imposed pursuant to Article 3  
33 (commencing with Section 42464).

34 (i) "Covered electronic waste recycler" or "covered e-waste  
35 recycler" means any of the following:

36 (1) A person who engages in the manual or mechanical  
37 separation of covered electronic devices to recover components  
38 and commodities contained therein for the purpose of reuse or  
39 recycling.

(2) A person who changes the physical or chemical composition of a covered electronic device, in accordance with the requirements of Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code and the regulations adopted pursuant to that chapter, by deconstructing, size reduction, crushing, cutting, sawing, compacting, shredding, or refining for purposes of segregating components, for purposes of recovering or recycling those components, and who arranges for the transport of those components to an end user.

(3) A manufacturer who meets any conditions established by this chapter and Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code for the collection or recycling of covered electronic waste.

(j) “Discarded” has the same meaning as defined in subdivision (b) of Section 25124 of the Health and Safety Code.

(k) “Electronic waste recovery payment” means an amount established and paid by the board pursuant to Section 42477.

(l) “Electronic waste recycling payment” means an amount established and paid by the board pursuant to Section 42478.

(m) “Hazardous material” has the same meaning as defined in Section 25501 of the Health and Safety Code.

(n) “Manufacturer” means either of the following:

(1) A person who manufactures a covered electronic device sold in this state.

(2) A person who sells a covered electronic device in this state under that person’s brand name.

(o) “Person” means an individual, trust firm, joint stock company, business concern, and corporation, including, but not limited to, a government corporation, partnership, limited liability company, and association. Notwithstanding Section 40170, “person” also includes a city, county, city and county, district, commission, the state or a department, agency, or political subdivision thereof, an interstate body, and the United States and its agencies and instrumentalities to the extent permitted by law.

(p) “Recycling” has the same meaning as defined in subdivision (a) of Section 25121.1 of the Health and Safety Code.

(q) “Refurbished,” when used to describe a covered electronic device, means a device that the manufacturer has tested and returned to a condition that meets factory specifications for the device, has repackaged, and has labeled as refurbished.

1 (r) “Retailer” means a person who makes a retail sale of a new  
2 or refurbished covered electronic device. “Retailer” includes a  
3 manufacturer of a covered electronic device who sells that covered  
4 electronic device directly to a consumer through any means,  
5 including, but not limited to, a transaction conducted through a  
6 sales outlet, catalog, or the Internet, or any other similar electronic  
7 means.

8 (s) (1) “Retail sale” has the same meaning as defined under  
9 Section 6007 of the Revenue and Taxation Code.

10 (2) “Retail sale” does not include the sale of a covered electronic  
11 device that is temporarily stored or used in California for the sole  
12 purpose of preparing the covered electronic device for use  
13 thereafter solely outside the state, and that is subsequently  
14 transported outside the state and thereafter used solely outside the  
15 state.

16 (t) “Vendor” means a person that makes a sale of a covered  
17 electronic device for the purpose of resale to a retailer who is the  
18 lessor of the covered electronic device to a consumer under a lease  
19 that is a continuing sale and purchase pursuant to Part 1  
20 (commencing with Section 6001) of Division 2 of the Revenue  
21 and Taxation Code.

22 (u) “Video display device” means an electronic device with an  
23 output surface that displays, or is capable of displaying, moving  
24 graphical images or a visual representation of image sequences or  
25 pictures, showing a number of quickly changing images on a screen  
26 in fast succession to create the illusion of motion, including, if  
27 applicable, a device that is an integral part of the display, in that  
28 it cannot be easily removed from the display by the consumer, that  
29 produces the moving image on the screen. A video display device  
30 may use, but is not limited to, a cathode ray tube (CRT), liquid  
31 crystal display (LCD), gas plasma, digital light processing, or other  
32 image projection technology.